

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION  
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This document relates to:

*Chisholm Creek Utility Auth. v. Alon USA Energy, Inc.,*  
*et al.* Case No. 04-CV-02061  
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**ORDER OF DISMISSAL WITH  
PREJUDICE**

The Plaintiff and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement<sup>1</sup>, and Plaintiff has now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

1. The Plaintiff and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

<sup>1</sup> The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. *See* Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:

  
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Honorable Shira A. Scheindlin

## **EXHIBIT A**

The Settling Defendants below are named defendants in the case of *Chisholm Creek Utility Auth. v. Alon USA Energy, Inc., et al.* Case No. 04-CV-02061 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Amerada Hess Corporation
2. Ashland Inc.
3. Atlantic Richfield Company, individually and d/b/a ARCO Products Company (f/k/a ARCO Petroleum Co.), and a/k/a ARCO
4. BP Amoco Chemical Company, individually and f/k/a Amoco Chemical Company
5. BP Products North America, Inc., individually and as successor-by-merger to Amoco Oil Company and BP Exploration and Oil Inc., successor-by-merger to BP North America, Inc.
6. ChevronTexaco Corporation, individually and as successor-in-interest to Chevron Corporation and as successor-in-interest to Texaco, Inc.
7. Chevron U.S.A., Inc., individually and f/k/a Gulf Oil Corporation (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
8. CITGO Petroleum Corporation
9. CITGO Refining and Chemicals Company, LP
10. Coastal Eagle Point Oil Company
11. Coastal Mobile Refining Company
12. ConocoPhillips Company, individually and as successor-in-interest to Conoco Inc. and Phillips Petroleum Company, and d/b/a Phillips 66 Company
13. El Paso CGP Company, individually and f/k/a The Coastal Corporation
14. El Paso Corporation, individually and f/k/a El Paso Energy Corporation
15. El Paso Merchant Energy-Petroleum Company, individually and f/k/a Coastal Refining and Marketing, Inc. and f/k/a Coastal States Trading, Inc.
16. Equilon Enterprises, LLC, individually and a/k/a Shell Oil Products US
17. Flint Hills Resources, LP
18. Marathon Ashland Petroleum, LLC
19. Marathon Oil Company, individually and f/k/a USX Corporation (f/k/a United States Steel Corporation)
20. Motiva Enterprises, LLC, individually and f/k/a Star Enterprises LLC
21. PDV Midwest Refining, LLC
22. The Premcor Refining Group, Inc., individually and f/k/a Clark Refining
23. Shell Oil Company
24. Shell Oil Products Company
25. Shell Oil Products Company, LLC
26. Shell Petroleum, Inc.
27. Shell Trading (US) Company, individually and f/k/a Equiva Trading Company, and a/k/a STUSCO
28. Sunoco, Inc., individually and f/k/a Sun Oil Company, and f/k/a Sun Company, Inc.
29. Sunoco, Inc. (R&M), individually and f/k/a Sun Refining and Marketing Company and f/k/a Sun Company, Inc. (R&M)
30. Texaco Inc.
31. Texaco Refining and Marketing, Inc. (a/k/a TRMI Holdings)

32. Tosco Corporation, individually and a/k/a Tosco Refining Company and a/k/a Tosco Marketing Company
33. Unocal Corporation, individually and f/k/a Union Oil Company of California
34. Valero Energy Corporation
35. Valero Marketing and Supply Company
36. Valero Refining and Marketing Company